

School Discipline and Special Education

Key points:

- **Emphasize that disciplinary rules are different for students with disabilities**
- **Discuss issues involving short-term removals, in-school suspensions, IAES**
- **Clarify when administrators should contact law enforcement**

Review with principals disciplinary rules for students with disabilities

Principals are responsible for keeping schools safe, but they often lack appropriate training on special education to recognize when they can and can't remove a student with disabilities for a disciplinary infraction.

They may inappropriately remove a student with a disability from school for doing something that is a manifestation of his disability. Or they may keep a student with special needs out of school beyond a reasonable number of days. Or they may call the police for a minor infraction when they should save such action for more serious situations.

Prevent due process hearings in your district by encouraging principals to familiarize themselves with all students who have disabilities in their schools. Clarify why considerations surrounding suspensions and expulsions are different for students with special needs. Highlight the need to watch for patterns of behavior. And stress the importance of using law enforcement as a last resort in discipline.

"Principals need to understand the law," said David Bateman, a special education professor at [Shippensburg University](#) in Pennsylvania. "They need to understand that the rules are different for students with disabilities."

Encourage principals to take these steps:

- **Become familiar with students who have disabilities:** Encourage principals to create a document with the names of students who have IEPs and Section 504 plans, Bateman said. Emphasize the importance of keeping track of Section 504 students because too often they are forgotten, he said. Administrators should keep track of how many suspensions these students have and what services they should receive when they are suspended. Also review all discipline incidents monthly, Bateman said. You may uncover that you need to alter behavioral interventions.
- **Be fair and reasonable:** Ensure students with disabilities follow the same rules as nondisabled students, Bateman said. "If you have rules in your school about not running, not hitting, and not screaming, these are rules that are important for everyone to follow," he said. "It's very important that kids with disabilities are held to and asked to follow the same rules as everybody else." Also resist disciplining students with disabilities more harshly than those without disabilities, Bateman said. "There are all sorts of stories of that happening to kids with disabilities," he warned.
- **Approach suspensions and expulsions differently:** Most states allow you to suspend a student with disabilities for only 10 days in an academic year before you have to conduct a manifestation determination review and consider the suspension as a change in placement, Bateman said. Don't make the mistake of thinking you can suspend a student for 10 days, rewrite his IEP later that semester, then suspend the student for another 10 days in the same academic year. "A district [can't] use its 10 days by November, then rewrite the IEP and say, 'Oh, that gives us a new year to do this,'" he said. "It's not an IEP year."

Also keep in mind that you have to provide special education services to a student with disabilities if you expel him or remove him for longer than 10 days, Bateman said. You may change the student's placement because he may be a danger to himself or others, but he is still entitled to his specialized

instruction. "We have to balance the rights of students with disabilities," he said. "We need to make sure all kids are provided an opportunity to be educated in a safe environment."

- **Take note of emerging patterns:** Multiple short-term removals could signify a student with disabilities requires a change in programming or placement, Bateman said. Do not allow several brief removals to occur without investigating. "Two days, two days, and two days -- basically these are calls for help," he said. "The kid may need more attention or better supports. One of the most important things an administrator can do is read these red flags." A student with a disability may simply not know how to raise his hand to ask for help and instead disrupt his classroom to get it, Bateman said.

Also be careful not to excessively use in-school suspensions, Bateman said. "If you start to see a pattern where you're basically having the kid live in ISS, that should raise a red flag," he said.

- **Recognize when to report to authorities:** Ensure principals know that there are times when it is appropriate to involve law enforcement after a student with a disability violates the code of conduct, but that it is not always reasonable to call the police, Bateman said. "Report to the appropriate authorities when a student has committed a serious crime," such as sexual assault, he said. A student causing serious bodily injury to himself or others may also constitute a long-term removal to an interim alternative educational setting, Bateman said. Just keep in mind that the student is still entitled to receive special education and related services. "You have to make sure [the IAES] is selected so the child continues to make progress toward his IEP goals and objectives," he said.

Bateman offered these and many other discipline-related tips during the Council for Exceptional Children's webinar What Principals Need to Know about Discipline and Students with Disabilities.